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10 Attorneys for Judith L. Mentzer

11 **UNITED STATES DISTRICT COURT**

12 **SOUTHERN DISTRICT OF CALIFORNIA**

13 Judith L. Mentzer

14 Plaintiff,

15 **Case No: '12CV0530 MMA MDD**

16 v.

17 Cavalry SPV I, LLC and Winn Law

18 Group, APC

19 **Complaint For Damages**

Defendants.

Jury Trial Demanded

20 **INTRODUCTION**

21 1. The United States Congress has found abundant evidence of the use of
 22 abusive, deceptive, and unfair debt collection practices by many debt
 23 collectors, and has determined that abusive debt collection practices
 24 contribute to the number of personal bankruptcies, to marital instability, to the
 25 loss of jobs, and to invasions of individual privacy. Congress wrote the Fair
 26 Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. (hereinafter
 27 “FDCPA”), to eliminate abusive debt collection practices by debt collectors,
 28 to insure that those debt collectors who refrain from using abusive debt

1 collection practices are not competitively disadvantaged, and to promote
2 consistent State action to protect consumers against debt collection abuses.

3 2. The California legislature has determined that the banking and credit system
4 and grantors of credit to consumers are dependent upon the collection of just
5 and owing debts and that unfair or deceptive collection practices undermine
6 the public confidence that is essential to the continued functioning of the
7 banking and credit system and sound extensions of credit to consumers. The
8 Legislature has further determined that there is a need to ensure that debt
9 collectors exercise this responsibility with fairness, honesty and due regard
10 for the debtor's rights and that debt collectors must be prohibited from
11 engaging in unfair or deceptive acts or practices.

12 3. Judith L. Mentzer, (Plaintiff), through Plaintiff's attorneys, brings this action
13 to challenge the actions of Cavalry SPV I, LLC ("Cavalry") and Winn Law
14 Group, APC, ("Winn"), with regard to attempts by Defendants to unlawfully
15 and abusively collect a debt allegedly owed by Plaintiff, and this conduct
16 caused Plaintiff damages.

17 4. Plaintiff makes these allegations on information and belief, with the exception
18 of those allegations that pertain to a plaintiff, or to a plaintiff's counsel, which
19 Plaintiff alleges on personal knowledge.

20 5. While many violations are described below with specificity, this Complaint
21 alleges violations of the statutes cited in their entirety.

22 6. Unless otherwise stated, all the conduct engaged in by Defendants took place
23 in California.

24 7. Any violations by Defendants were knowing, willful, and intentional, and
25 Defendants did not maintain procedures reasonably adapted to avoid any such
26 violation.

27 ///

28 ///

JURISDICTION AND VENUE

8. Jurisdiction of this Court arises pursuant to 28 U.S.C. § 1331, 15 U.S.C. § 1692(k), and 28 U.S.C. § 1367 for supplemental state claims.
9. This action arises out of Defendants' violations of the Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692 et seq. ("FDCPA") and the Rosenthal Fair Debt Collection Practices Act, California Civil Code §§ 1788-1788.32 ("Rosenthal Act").
10. Because Defendants do business within the State of California, personal jurisdiction is established.
11. Venue is proper pursuant to 28 U.S.C. § 1391.
12. At all times relevant, Defendants conducted business within the State of California.

PARTIES

13. Plaintiff is a natural person who resides in the City of La Mesa, State of California.
14. Cavalry is located in the City of Valhalla, in the State of New York.
15. Winn is located in the City of Fullerton, in the State of California.
16. Plaintiff is obligated or allegedly obligated to pay a debt, and is a “consumer” as that term is defined by 15 U.S.C. § 1692a(3).
17. Defendants are persons who use an instrumentality of interstate commerce or the mails in a business the principal purpose of which is the collection of debts, or who regularly collect or attempt to collect, directly or indirectly, debts owed or due or asserted to be owed or due another and are therefore debt collectors as that phrase is defined by 15 U.S.C. § 1692a(6).
18. Plaintiff is a natural person from whom a debt collector sought to collect a consumer debt which was due and owing or alleged to be due and owing from Plaintiff, and is a “debtor” as that term is defined by California Civil Code § 1788.2(h).

1 19. Defendants, in the ordinary course of business, regularly, on behalf of
2 themselves, or others, engage in debt collection as that term is defined by
3 California Civil Code § 1788.2(b), are therefore debt collectors as that term is
4 defined by California Civil Code § 1788.2(c).

5 20. This case involves money, property or their equivalent, due or owing or
6 alleged to be due or owing from a natural person by reason of a consumer
7 credit transaction. As such, this action arises out of a consumer debt and
8 “consumer credit” as those terms are defined by Cal. Civ. Code § 1788.2(f).

9 **FACTUAL ALLEGATIONS**

10 21. Sometime before January 31, 2012, Plaintiff is alleged to have incurred
11 certain financial obligations.

12 22. These financial obligations were primarily for personal, family or household
13 purposes and are therefore a “debt” as that term is defined by 15 U.S.C.
14 §1692a(5).

15 23. These alleged obligations were money, property, or their equivalent, which is
16 due or owing, or alleged to be due or owing, from a natural person to another
17 person and are therefore a “debt” as that term is defined by California Civil
18 Code §1788.2(d), and a “consumer debt” as that term is defined by California
19 Civil Code §1788.2(f).

20 24. Sometime thereafter, but before January 31, 2012, Plaintiff allegedly fell
21 behind in the payments allegedly owed on the alleged debt. Plaintiff currently
22 takes no position as to the validity of this alleged debt.

23 25. Subsequently, but before January 31, 2012, the alleged debt was assigned,
24 placed, or otherwise transferred, to Cavalry for collection.

25 26. Subsequently, Cavalry, a debt collector pursuant to the FDCPA and
26 California’s Rosenthal Act, retained Winn, also a debt collector pursuant to
27 the FDCPA and California’s Rosenthal Act, to proceed with legal action
28 against Plaintiff for the collection of Plaintiff’s alleged financial obligations.

1 27. Pursuant to the instructions of Cavalry, Winn, in the name of Cavalry, then
2 filed a state case against Plaintiff on January 31, 2012 based on a consumer
3 account that was allegedly in default, Case No. 37-2012-00065433-CL-CT-
4 CTL.

5 28. The purpose of this case was not to pursue legitimate litigation, but to cause
6 Plaintiff financial hardship with the intent of coercing Plaintiff to settle the
7 action.

8 29. In this case, Cavalry and Winn brought several causes of action, that is, for
9 the Common Counts of Account Stated and Money Lent, all based on an
10 alleged financial obligation between Plaintiff and Cavalry.

11 30. These causes of action had no merit, or evidentiary support, and both were
12 brought for the sole purpose of coercing Plaintiff to pay this alleged debt.

13 31. In the complaint filed in state court, Cavalry and Winn stated that an
14 “Account Stated” had previously been entered into between Plaintiff and
15 Cavalry, when, in fact, this was not true.

16 32. In the complaint filed in state court, Cavalry and Winn stated that Plaintiff had
17 entered into an account stated “in writing” when, in fact, Cavalry and Winn
18 knew or should have known that this was untrue, and that no such writing
19 existed. This communication to Plaintiff was a false, deceptive, and
20 misleading statement related to collection of a debt.

21 33. At no time did Cavalry or Winn have any evidence of said “writing,” and this
22 false, deceptive, and misleading statement was made only for the purposes of
23 coercing payment from a pro se consumer.

24 34. At no time did Plaintiff enter into an account stated with anyone regarding
25 either of these accounts.

26 35. In both of these actions, Cavalry and Winn used a false, deceptive, or
27 misleading representations or means in connection with the collection of a
28 debt, in violation of 15 U.S.C. § 1692e and 15 U.S.C. § 1692e(10) because an

1 action under an account stated theory requires that parties forgo any previous
2 bona fide contract between the parties, and in return enter into a *new* contract
3 between them, which never happened in this matter, a fact that Cavalry and
4 Winn either knew or should have reasonably known.

5 36. Because this conduct by Cavalry and Winn violated certain portions of the
6 federal Fair Debt Collection Practices Act as these portions are incorporated
7 by reference in the Rosenthal Fair Debt Collection Practices Act, through
8 California Civil Code § 1788.17, this conduct or omission violated Cal. Civ.
9 Code § 1788.17, as well.

10 37. Pursuant to Code of Civil Procedure sec 128.7(b)(3), Winn certified to
11 Plaintiff and the court that Cavalry's allegations of account stated had
12 evidentiary support, when in fact Cavalry and Winn did not possess any
13 evidence of any account stated, which is a written contract.

14 38. Had Winn believed in good faith that such evidence existed and could have
15 eventually be obtained, Winn could have stated such in Cavalry's Complaint,
16 in order to comply with CCP 128.7(b)(3). Instead, Winn chose to ignore CCP
17 128.7(b)(3) despite Defendants' lack of any evidence of an account stated,
18 and by doing so made a false certification under CCP 128.7(b)(3).

19 39. Through this conduct, Winn and Cavalry used a false, deceptive, or
20 misleading representation or means in connection with the collection of a
21 debt. Consequently, Winn and Cavalry violated 15 U.S.C. § 1692e and 15
22 U.S.C. § 1692e(10).

23 40. Through this conduct, Winn and Cavalry used an unfair or unconscionable
24 means to collect or attempt to collect any debt. Consequently, Winn and
25 Cavalry violated 15 U.S.C. § 1692f.

26 41. Because this violated certain portions of the federal Fair Debt Collection
27 Practices Act as these portions are incorporated by reference in the Rosenthal
28

1 Fair Debt Collection Practices Act, through California Civil Code § 1788.17,
2 this conduct or omission violated Cal. Civ. Code § 1788.17.

3 **CAUSES OF ACTION**

4 **COUNT I**

5 **FAIR DEBT COLLECTION PRACTICES ACT (FDCPA)**

6 **15 U.S.C. §§ 1692 ET SEQ.**

7 42. Plaintiff repeats, re-alleges, and incorporates by reference, all other
8 paragraphs.

9 43. The foregoing acts and omissions constitute numerous and multiple violations
10 of the FDCPA, including but not limited to each and every one of the above-
11 cited provisions of the FDCPA, 15 U.S.C. § 1692 et seq.

12 44. As a result of each and every violation of the FDCPA, Plaintiff is entitled to
13 any actual damages pursuant to 15 U.S.C. § 1692k(a)(1); statutory damages in
14 an amount up to \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A); and,
15 reasonable attorney's fees and costs pursuant to 15 U.S.C. § 1692k(a)(3) from
16 each and every defendant, jointly and severally.

17 **COUNT II**

18 **ROSENTHAL FAIR DEBT COLLECTION PRACTICES ACT (ROSENTHAL ACT)**

19 **CAL. CIV. CODE §§ 1788-1788.32**

20 45. Plaintiff repeats, re-alleges, and incorporates by reference, all other
21 paragraphs.

22 46. The foregoing acts and omissions constitute numerous and multiple violations
23 of the Rosenthal Act, including but not limited to each and every one of the
24 above-cited provisions of the Rosenthal Act, Cal. Civ. Code §§ 1788-1788.32

25 47. As a result of each and every violation of the Rosenthal Act, Plaintiff is
26 entitled to any actual damages pursuant to Cal. Civ. Code § 1788.30(a);
27 statutory damages for a knowing or willful violation in the amount up to
28 \$1,000.00 pursuant to Cal. Civ. Code § 1788.30(b); and reasonable attorney's

fees and costs pursuant to Cal. Civ. Code § 1788.30(c) from each and every defendant, jointly and severally.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that judgment be entered against Defendant, and Plaintiff be awarded damages from Defendant, as follows:

- An award of actual damages pursuant to 15 U.S.C. § 1692k(a)(1);
- An award of statutory damages of \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A);
- An award of costs of litigation and reasonable attorney's fees, pursuant to 15 U.S.C. § 1692k(a)(3);
- An award of actual damages pursuant to California Civil Code § 1788.30(a);
- An award of statutory damages of \$1,000.00 pursuant to Cal. Civ. Code § 1788.30(b);
- An award of costs of litigation and reasonable attorney's fees, pursuant to Cal. Civ. Code § 1788.30(c).

48. Pursuant to the seventh amendment to the Constitution of the United States of America, Plaintiff is entitled to, and demands, a trial by jury.

Respectfully submitted,

Hyde & Swigart

Date: 03/02/2012

By: s/Joshua B. Swigart

Joshua B. Swigart

Atorneys for Plaintiff

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Judith L. Mentzer

(b) County of Residence of First Listed Plaintiff San Diego, CA
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Hyde & Swigart
411 Camino Del Rio South Suite 301, San Diego, CA 92108

DEFENDANTS

Calvary SPV I, LLC

County of Residence of First Listed Defendant Valhalla, NY
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

'12CV0530 MMAMDD

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

<input type="checkbox"/> 1 U.S. Government Plaintiff	<input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)
<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Citizen of This State	<input type="checkbox"/> PTF 1	<input type="checkbox"/> DEF 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> PTF 4	<input type="checkbox"/> DEF 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	PERSONAL INJURY	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	PROPERTY RIGHTS	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage	SOCIAL SECURITY	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 390 Other Personal Injury	<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 810 Selective Service
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 400 Other	<input type="checkbox"/> 720 Labor/Mgmt. Relations	<input type="checkbox"/> 850 Securities/Commodities/ Exchange
<input type="checkbox"/> 195 Contract Product Liability			<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act	<input type="checkbox"/> 875 Customer Challenge 12 USC 3410
<input type="checkbox"/> 196 Franchise			<input type="checkbox"/> 740 Railway Labor Act	<input checked="" type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	<input type="checkbox"/> 750 Other Labor Litigation	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 892 Economic Stabilization Act
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 442 Employment	Habeas Corpus:	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 530 General	<input type="checkbox"/> 863 DIWC/DIW (405(g))	<input type="checkbox"/> 894 Energy Allocation Act
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<input type="checkbox"/> 550 Civil Rights	FEDERAL TAX SUITS	<input type="checkbox"/> 950 Constitutionality of State Statutes
	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	
			<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

V. ORIGIN

(Place an "X" in One Box Only)

<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from another district (specify)	<input type="checkbox"/> 6 Multidistrict Litigation	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment
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Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
15 U.S.C. § 1692 et seq.

VI. CAUSE OF ACTION

Brief description of cause:
Unfair Debt Collection Practices

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23

DEMAND \$ 75,001.00+

CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

03/02/2012

s/Joshua B. Swigart

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

I. (a) Plaintiffs-Defendants. Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

II. Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

III. Residence (citizenship) of Principal Parties. This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. Nature of Suit. Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

V. Origin. Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

VI. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service

VII. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

VIII. Related Cases. This section of the JS 44 is used to reference related pending cases if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.